

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION

Fontel Williams,

Plaintiff,

vs.

United States of America,

Defendant.

Civil Action No. 9:17-cv-3421-CMC

**ORDER**

This matter is before the court on Plaintiff's complaint pursuant to 42 U.S.C. § 1983, alleging South Carolina Department of Corrections violated his First and Eighth Amendment rights by failing to deliver paperwork from the South Carolina Department of Social Services regarding a custody hearing for his son. ECF No. 1. Plaintiff alleges due to this failure, he missed the custody hearing, "lost" his son, and has to pay child support. *Id.*

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pre-trial proceedings and a Report and Recommendation ("Report") on dispositive issues. On February 9, 2018, the Magistrate Judge issued a Report recommending that this matter be summarily dismissed without prejudice and without issuance and service of process. ECF No. 10. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff has filed no objections and the time for doing so has passed.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection

is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b).

After considering the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error in the Report's reasoning and agrees with the recommendation the Complaint be dismissed. Further, as thoroughly discussed by the Magistrate Judge, it does not appear Plaintiff could amend his Complaint to allege a claim under § 1983 on these facts. For the reasons above, the court adopts the Report and incorporates it by reference. Plaintiff's Complaint is dismissed without prejudice and without issuance and service of process.

**IT IS SO ORDERED.**

Columbia, South Carolina  
March 5, 2018

s/Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
Senior United States District Judge